IN THE HIGH COURT OF JUDICATURE,

ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE M.H.S. ANSARI

and
THE HON'BLE MR JUSTICE T.CH.SURYA RAO

WRIT PETITION NO : 22632 of 2004

Between:

Pranay Shah, S/o. Yeshwanth Shah, Presently Resident of "Switzarlan" Rep. by its General Power of Attorney Holder Sri Ganesh Rai, S/o. Late Giridhar Das, Aged 58 Years, R/o. H.No. 4-5-480, Sultan Bazar, Hyderabad.

..... PETITIONER

AND

1. The Municipal Corporation of Hyderabad, Hyderabad, Rep. by its Commissioner.

2. The Deputy Commissioner, Circle-5, Municipal Corporation of Hyderabad, Khairatabad, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or Writ more particularly one in the nature of Writ of Mandamus or any other appropriate writ declaring the notice of demand dated 7-11-2003 and consequential letter dated 12-7-2004 issued by the respondents directing the petitioner to pay sum of Rs.1,03,422/- is illegal, arbitrary and unjust; and consequently set aside the notice of demand dated 7-11-2003 and consequential letter dated 12-7-2004 issued by the respondents and pass such other order or orders.

Counsel for the Petitioner: MR.G.VIDYASAGAR

Counsel for the Respondents: SMT.G.JYOTHI KIRAN(SC FOR MUNICIPALITIES).

The Court at the stage of admission made the following :

THE HON'BLE SRI JUSTICE M.H.S.ANSARI

AND

THE HON'BLE SRI JUSTICE T.CH.SURYA RAO

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W.P.NO.22632 OF 2004

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ORAL JUDGMENT:

(Per the Hon'ble Sri Justice Ansari)

As the question of availability of alternative remedy of appeal under Section 282 of the Hyderabad Municipal Corporation Act, 1955, arose, having material relevance to the maintainability of the writ petition, the learned counsel for the petitioner prayed for liberty to withdraw the instant writ petition and also liberty to avail alternative remedy.

In such view of the matter, instant writ petition is dismissed as withdrawn at the stage of admission. It shall be open to the petitioner to avail all such remedies as may be open to it in accordance with law.

M.H.S.Ansari, J

T.Ch.Surya Rao, J

18th January, 2005.

mrk

To

1. The Commissioner, Municipal Corporation of Hyderabad, Hyderabad.
2. The Deputy Commissioner, Circle-5, Municipal Corporation of Hyderabad, Khairatabad, Hyderabad.
3. Two CD copies.